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2
3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 LORRIE McCONNELL,

7 Plaintiff,

2:05-cv-00996-BES-LRL

8 v.

9 PETER WOODS, *et al.*,

10 Defendants.
11

12 **REPORT & RECOMMENDATION**

13 Lorrie McConnell is suing various individuals over claims arising out of alleged embezzlement,
14 Social Security fraud, murder, and a multitude of other charges. Acting *pro se*, plaintiff originally filed
15 a Motion to Proceed *In Forma Pauperis* on August 16, 2005 (#1). The Court granted plaintiff's
16 Application to Proceed *In Forma Pauperis* but ordered that the Complaint be dismissed for failure to
17 state a claim upon which relief can be granted, with leave to amend. Order # 6. Having considered
18 plaintiff's Amended Complaint (# 7), the undersigned Magistrate Judge submits this Report and
19 Recommendation.

20 **BACKGROUND**

21 In her Amended Complaint, plaintiff names eight defendants, including an unknown person and
22 a stalker. Plaintiff alleges that the defendants have engaged in embezzlement, Social Security fraud,
23 murder, rape, robbery, kidnaping, and identity theft.

24 **DISCUSSION**

25 Pleadings prepared by *pro se* litigants should be held to less stringent standards and thus be
26 liberally construed. *Haines v. Kerner*, 404 U.S. 519, 520 (1972) (*per curiam*); *see also King v. Atiyeh*,

1 814 F.2d 565, 567 (9th Cir. 1986). However, “[p]ro se litigants must [still] follow the same rules of
2 procedure as other litigants.” *King, supra*, 814 F.2d at 567 (*citations omitted*). Under Rule 8(a)(2) of
3 the Federal Rules of Civil Procedure, a pleading must contain a short and plain statement of the claim
4 showing that the pleader is entitled to relief. A complaint may be dismissed for failure to state a claim
5 upon which relief can be granted. Fed. R. Civ. P. 12(b)(6). In determining whether a plaintiff has
6 satisfied Rule 12(b)(6), all material allegations in the complaint are accepted as true and are construed
7 in the light most favorable to the plaintiff. *See Russell v. Landrieu*, 621 F.2d 1037, 1039 (9th Cir. 1980)
8 (*citations omitted*).

9 An *in forma pauperis* complaint must be dismissed prior to service of process if it is frivolous
10 or malicious, fails to state a claim, or seeks monetary damages from defendants who are immune from
11 suit. *See* 28 U.S.C. §1915(e)(2); *see also Franklin v. Murphy*, 745 F.2d 1221, 1226 (9th Cir. 1984).
12 A complaint is frivolous for the purposes of § 1915 if it lacks any arguable basis in fact or law. *See*
13 *generally Neitzke v. Williams*, 490 U.S. 319, 328-30 (1989). Moreover, “a court may dismiss as
14 frivolous complaints reciting bare legal conclusions with no suggestion of supporting facts, or
15 postulating events and circumstances of a wholly fanciful kind.” *Franklin v. Murphy*, 745 F.2d at 1226.

16 McConnell was given the opportunity to amend her original Complaint (# 1) with some direction
17 from the court in an earlier Order (# 6). Yet in her Amended Complaint, McConnell has again failed
18 to name viable defendants and allege specific facts that would support a 42 U.S.C. § 1983 claim.
19 Moreover, plaintiff’s allegations that her children were killed and no police investigation followed, and
20 that she has been kidnaped twelve times by terrorists and the Charles Manson gang, *inter alia*, are
21 “wholly fanciful” on their face, rendering the Amended Complaint frivolous. *Franklin v. Murphy*, 745
22 F.2d at 1226.

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RECOMMENDATION

Based on the foregoing, it is the recommendation of the undersigned United States Magistrate Judge that plaintiff's Amended Complaint (# 7) be dismissed with prejudice.

DATED this 17th day of August, 2006.



LAWRENCE R. LEAVITT
UNITED STATES MAGISTRATE JUDGE